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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,392	01/03/2002	Kunihiko Tanaka	01837/LH	7392
1933	7590	12/27/2004		
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 767 THIRD AVENUE 25TH FLOOR NEW YORK, NY 10017-2023				
			EXAMINER SHAPIRO, JEFFERY A	
			ART UNIT 3653	PAPER NUMBER

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/037,392	TANAKA, KUNIHICO	
	Examiner	Art Unit	
	Jeffrey A. Shapiro	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.  
 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-6 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/22/04</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kipp (US 5,890,136) in view of Wroblewski (US 4,677,308) and further in view of Camaisa (US 5,845,263). Kipp discloses a carrying means (44), image display means (24) (see also col. 6, lines 56-59), and a control system that controls the article retrieval (see fig's 1-3), and an order station (24 and 108-118) (see fig's 1, 3 and 5).

Kipp does not expressly disclose, but Wroblewski discloses continuously updating a display system with information from a variety of sensors along a conveyor like transport system (see abstract and Claim 1 of Wroblewski).

Both Kipp and Wroblewski are considered to be analogous art because Kipp discloses an automatic ordering system with a conveyor and inventory control sensors, while Wroblewski discloses taking the information from such sensors and displaying it on a computer screen (display).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have displayed information from various sensors throughout the ordering system of Kipp on a computer display for a customer or an operator of the system.

The suggestion/motivation would have been to "establish a history of the status of the bus, sensors and switches." See Wroblewski, abstract, last five lines.

Kipp does not expressly disclose, but Camaisa discloses using a touch screen to display order information and menu information in both textual and image format. See Camaisa, figures 6 and 10, for example. Note also order tracking menu in figure 14.

Both Kipp and Camaisa are considered to be analogous art as they both concern automated computerized order taking systems.

Note that regarding "providing an indication of an image form of the status of the arrival of the goods to the goods receiving place" that at the time of the invention, it would have been obvious to one ordinarily skilled in the art to have represented the information received by the sensors in image form on Kipp's computer display as taught by Camaisa. Note also that letters and numbers can be construed as images.

The suggestion/motivation is provided by Camaisa's disclosure of using a touch screen to represent information in various forms, both text and images, as depicted in the figures 6, 10 and 14. These figures suggest to one ordinarily skilled that information can be represented in image form. Therefore, one ordinarily skilled would have recognized that information from the sensors, signals from which represent information pertaining to order progression through the system, could be represented and updated on the Kipp's display.

Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kipp (US 5,890,136) in view of Wroblewski (US 4,677,308), and further in view of

Camaisa and still further in view of Rivalto (US 5,482,139). Kipp and Wroblewski disclose the system as described above. Kipp does not expressly disclose, but Rivalto discloses use of a touch screen (18) in an automated ordering system.

Both Kipp and Rivalto are analogous art because they both concern automated ordering systems.

At the time of the invention, it would have been obvious to one ordinarily skilled in the art to have used a touch screen at the customer station (24) of Kipp.

The suggestion/motivation would have been to provide an interactive menu driven customer input environment. See Rivalto, col. 46-50.

### ***Response to Arguments***

3. Applicant's arguments filed 11/22/04 have been fully considered but they are not persuasive. Applicant's amendments concerning representation of order tracking information graphically on a touch screen display appears to have been met by the combination of Kipp, Wroblewski, Camaisa and Rivalto, as discussed above. It would have been obvious to one ordinarily skilled in the art to have represented information of any type required by the system, or that one would logically expect to be required by a user of the system in a human-readable form. Both text and graphical methods are well known as methods one would logically look to in order to represent such information by a computer system for human comprehension. Therefore, Claims 1-6 are rejected.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

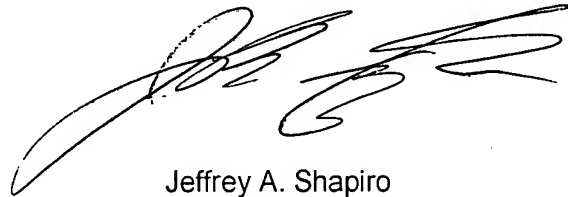
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (703)308-3423. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (703)306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Art Unit: 3653

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey A. Shapiro  
Examiner  
Art Unit 3653

December 18, 2004



DONALD P. WALSLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600